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surfaces of the web to form interconnected sidewall portions terminating substantially concurrently with one another in a plane defined by the second surface;

substantially enclosing an absorbent structure with the cover; and

applying thermal energy to the cover to heat it to a temperature between the first melting point temperature and the second melting point temperature of the first layer to form an adhesive bond.

REMARKS

Status of Claims

Claims 1-55 were filed in the present application to which the present case claims priority. These claims have been examined and stand rejected under various rejections. As outlined above, Claims 1, 7-9, 17-18, 29, 35, 42, 47, 52 and 55 have been amended. Therefore, Claims 1-55 are pending in this application.

The amended claims are fully supported in the specification as originally filed. In particular, the amendments to the claims merely clarify the prior claim language by replacing language the Office has objected to with substantially equivalent language.

Objections and Rejections

The Office Action objected to the disclosure due to informalities, specifically blanks at pages 1, 19, 21, 24, and 25. Applicants have amended the specification to complete these blanks.


Claims 1-55 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly

point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

The Office Action identifies numerous issues of clarity and/or antecedent basis in independent claims 1, 29, 52, and 55. The Office Action has further identified an issue of an indefinite reference to "the thermoplastic component" in claims 7, 8, 17, 18, 35, and 42. Finally, the Office Action identifies unusual Markush claim format in claims 9, 23, and 47. Applicants have amended these claims to address these issues. Reconsideration and withdrawal of these rejections are earnestly solicited.

Claims 1-23, 25-28, and 52-55 stand rejected under 35 U.S.C. §102(e) as anticipated by Lee et al., US Pat. No. 6,228,462 (hereinafter "Lee"). Applicants respectfully traverse this rejection.

The present invention as defined in claim 1 relates to a wrapping element useful in absorbent articles. The wrapping element includes fluid-impervious plastic material in the form of a resilient three-dimensional web exhibiting a fiber-like appearance and tactile impression. The fluid-impervious plastic material has a laminate of at least three layers. The first outer layer has a blend of at least two thermoplastic polymeric components, a continuous phase of a first thermoplastic polymeric component that exhibits a first melting point temperature and a dispersed phase of an immiscible, second thermoplastic polymeric component that exhibits a second melting point temperature, less than the first melting point temperature. Thus, when the web is heated to a temperature between the first melting point temperature and the second melting point temperature, the second thermoplastic polymeric component is capable of



forming an adhesive bond. The second outer layer is disposed opposite the first outer layer. At least one intermediate layer is disposed between the first and second outer layers. The web has first and second surfaces. The first surface defines a plane having a multiplicity of apertures therein and is defined at least in part by one of the first and second layers. Each of the apertures is defined by a multiplicity of intersecting fiber-like elements interconnected to one another substantially in the plane of the first surface. The web as defined by each of the fiber-like elements exhibits a cross-section comprising a base portion in the plane of the first surface and a sidewall portion joined to the base portion. The sidewall portions extend generally in the direction of the second surface of the web, the sidewall portions are interconnected to one another intermediate the first and the second surfaces of the web to form interconnected sidewall portions terminating substantially concurrently with one another in a plane defined by the second surface. The invention as defined by independent claims 52 and 55 are similar to claim 1 in the issues discussed below. Additional distinctions will be identified, as necessary.

The Office Action indicates that Lee discloses a multi layer film for use in absorbent articles. The first layer is alleged to be the rigid layer, the intermediate layer is allegedly the "less rigid layer". The web is also described as having apertures, base portions, and sidewall portions.

Applicants respectfully point out that Lee describes an apertured, compression-resistant web, and while Lee describes several different materials useful in the "rigid layer", there is no teaching or suggestion that these materials are "a blend of at least two thermoplastic polymeric components",

or that the first, continuous phase has a higher melting point temperature than the dispersed phase's thermoplastic component. Nor does Lee teach that its apertured film web is capable of forming a heat seal bond while the structure of the web remains intact. Therefore, Applicants respectfully submit that Lee fails to anticipate or render obvious the presently pending independent claims.

Further, while the Office Action indicates that Lee discloses a method of making that discloses the inventions of independent claims 52 and 55, Applicants do not see all claimed limitations disclosed. Again, Lee lacks "a blend of at least two thermoplastic polymeric components", or that the first, continuous phase has a higher melting point temperature than the dispersed phase's thermoplastic component. In addition, Lee fails to teach the method of making a tampon, especially in which the tampon cover is heated to form an adhesive bond.

Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lee. Applicants respectfully traverse this rejection.


The present invention and Lee are described above. The Office Action indicates that while Lee does not disclose the amount of pigment claimed in claim 24, it would have been obvious to one of ordinary skill in the art to provide Lee with the amount of pigment depending upon the color change desired.

Applicants respectfully submit that Lee fails to teach that the intermediate layer can accept the claimed higher pigment loading without damage to process equipment. Therefore, Applicants respectfully submit that the present claim is patentable over the Lee reference. Reconsideration and withdrawal of this rejection are earnestly solicited.

Applicants thank the Examiner for the notice that claims 29-51 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph. Applicants believe that they have done so and look forward to an early indication that these claims are allowable in the present condition.

Applicant believes that the foregoing presents a full and complete response to the outstanding Office Action. Applicant looks forward to an early notice of allowance for this application.

Respectfully submitted,



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